

Appl. No. 09/601,004
Amdt. dated October 31, 2005
Reply to Office action of June 30, 2005

REMARKS

Reconsideration is respectfully requested. Claims 1-8 were present in the application. Claims 1, 2 and 4 are amended. Non-elected claims 5 and 7 are canceled. Claims 3 and 8 are also canceled.

Applicant's representative wishes to thank the Examiner for the courtesy extended in the telephone interview of 22 June 2005. The Examiner's summary is accurate in that an amendment to the specification was discussed and applicants amend herein the specification to change the word "except" to "including" on page 1 of the specification in the "values of local support". It is believed that this is a definition that the Examiner indicated would resolve his concerns with that concept. Please contact the undersigned if further clarification is needed.

Claims 2 and 8 are rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants have noted the Examiner's comments and have amended claim 2 to recite "is differentiable" rather than "can be differentiated". Claim 8 is canceled, as with the amendments of other claims, it now duplicates what is recited by claim 6.

Claim 6 has been allowed. Claims 3 and 4 are indicated as being allowable if rewritten in independent form. In view of

Page 6 — RESPONSE (U.S. Patent Appln. S.N. 09/601,004)
[\\Files\files\Correspondence\October 2005\371rtoa103105.doc]

Appl. No. 09/601,004
Amdt. dated October 31, 2005
Reply to Office action of June 30, 2005

this, to further the prosecution of this application, claim 1 is amended to include the limitations of claim 3 therein. Claim 4 is amended to depend on claim 1. Claim 3, having been incorporated into claim 1, is canceled.

Claims 1 and 2 were rejected as allegedly being obvious over Masaru et al under in view of Maltsev et al, under 35 U.S.C. §103(a). Claim 8 is rejected as allegedly being anticipated by Masaru et al under, under 35 U.S.C. §102(b).

While applicant continues to believe that the claims are patentable, to further prosecution of this application to issuance, applicant has amended claim 1 to incorporate the allowable subject matter of claim 3. Accordingly, claim 2 now depends on an allowable claim. Claim 8 is canceled as noted above. Applicant reserves the right to file further continuation applications directed to the subject matter of original claims 1, 2 and 8, as well as divisional applications directed to the subject matter of non-elected claims 5 and 7.

Appl. No. 09/601,004
Amdt. dated October 31, 2005
Reply to Office action of June 30, 2005

In light of the above noted amendments and remarks, this application is believed in condition for allowance and notice thereof is respectfully solicited. The Examiner is asked to contact applicant's attorney at 503-224-0115 if there are any questions.

Respectfully submitted,


James H. Walters, Reg. No. 35,731

Customer number 802
DELLETT AND WALTERS
Suite 1101
310 S.W. Fourth Avenue
Portland, Oregon 97204 US
(503) 224-0115
DOCKET: A-371

Certification of Facsimile Transmission

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office on this October 31, 2005.

